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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kyoung Ro Yoon

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SIDLEY AUSTIN LLP

555 CALIFORNIA STREET

SUITE 2000

SAN FRANCISCO, CA 94104-1715

EXAMINER

SHEPARD, JUSTIN E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/903,650	Applicant(s) YOON ET AL.	
	Examiner Justin E. Shepard	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15,17-24,31,32,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15,17-24,31,32,34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/14/09 has been entered.

Response to Arguments

Applicant's arguments filed 1/14/09 have been fully considered but they are not persuasive.

Page 7, paragraph beginning with "The Examiner":

The applicant argues that Grauch does not teach "separate lists of user action items for describing different aspects of the user's multimedia consumption, wherein each user action item has a respective program identifier." Referring to figure 7 of Grauch teaches that separate lists are created during television watching (parts 80, 82 and 84), which are merged into a single data structure. Each of these data lists have a content ID (or program identifier) for each piece of media consumed. Therefore this reference is seen as meeting the limitation.

Page 7, last paragraph:

The applicant argues that none of the references teach “data protection attributes to indicate which part of the data structure is protected.” Dedrick teaches a method where the user history (column 4, lines 17-22) is protected by encrypting the data (column 7, lines 37-43). The applicant argues that encrypting is not the same as the protecting, but the examiner disagrees. Dedrick states that the reason for the encryption is to protect the data and therefore is interpreted as meeting the limitation.

Also the applicant argues that Del Sesto teaches protecting the execution of certain portions of the application instead of protecting the information in certain portions of the user history. As the application would be made up of code just like the data disclosed in Ozer and Dedrick, it would have been obvious for one of ordinary skill in the art to see that the technique of protecting one type of data with a flag could be used on another type of data without substantially changing the functionality of the systems.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15, 17-24, 31, 32, 34, and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims refer to a method implemented by an apparatus, but is completely silent as to any structure of the apparatus. To be considered statutory, the claims must detail a part of the apparatus for the method to be implemented by.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 18-24, 31, 32, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of Dedrick in view of Del Sesto in view of Kiewit in view of Grauch in view of Bunney.

Referring to claim 15, Ozer discloses a method implemented by an apparatus for processing user history data (column 4, lines 51-58), the method comprising:

storing a hierarchical data structure for describing user history (figure 4; Note: the data structure shown in the figure shows a main node (part 410) and auxiliary nodes (parts 420, 430, etc.) which is interpreted as a hierarchical data structure), the hierarchical data structure including a user information element (figure 4, part 460) and first (figure 4, part 450) and second (figure 4, part 440) user action history parts as respective first and second structural elements at the same level of the hierarchical data structure (figure 4; Note: as the data structures are one level down from the main node, they are interpreted as being at the same hierarchical level), the user information element including information to identify a user (figure 4, part 460) and the first and second user action history parts including respective first and second lists of user actions for describing the user's multimedia consumption (figure 4, parts 440 and 450);

recording (column 4, lines 51-58), in the first user action history part, a first user action item corresponding to a first user action by the user (figure 4, part 450), wherein the first user action is related to consumption of a first piece of multimedia content having a first content reference identifier that identifies the first piece of multimedia content independent of its location (figure 4, part 420; Note: the "Origin of Transmission" is interpreted as identifying the content independently of its location), wherein recording the first user action item includes assigning a program identifier and a user action type to the first user action item, the program identifier including the first content reference identifier for identifying the first piece of multimedia content (figure 4).

Ozer does not disclose a method wherein the first user action history part has a first data protection attribute and the second user action history part has a second data protection attribute to specify whether information is protected in the first user action history part or in the second user action history part, respectively;

and the user action type representing an operation of skip, replay or slow play;
and

using the first data protection attribute for specifying that information recorded in the first user action item about the first user action is protected in the first user action history part; and

wherein first and second lists of user action items for describing respective first and second aspects of the user's multimedia consumption, wherein each user action item has a respective program identifier; and

wherein the identifier enables access to content related metadata that is not provided in the user history.

In an analogous art, Dedrick teaches a method wherein the data is specified whether the data is protected or not (column 2, lines 57-62; column 4, lines 17-22; column 7, lines 37-43).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the data protection taught by Dedrick to the method disclosed by Ozer. The motivation would have been to enable more detailed information to be provided without having to worry about privacy issues due to the increased user information being shared.

Ozer and Dedrick do not disclose a method wherein the first user action history part has a first data protection attribute and the second user action history part has a second data protection attribute to specify whether information is protected in the first user action history part or in the second user action history part, respectively;

and the user action type representing an operation of skip, replay or slow play;
and

using the first data protection attribute for specifying that information recorded in the first user action item about the first user action is protected in the first user action history part; and

wherein first and second lists of user action items for describing respective first and second aspects of the user's multimedia consumption, wherein each user action item has a respective program identifier; and

wherein the identifier enables access to content related metadata that is not provided in the user history.

In an analogous art, Del Sesto teaches a method wherein the first user action history part has a first data protection attribute and the second user action history part has a second data protection attribute to specify whether information is protected in the first user action history part or in the second user action history part, respectively;

and using the first data protection attribute for specifying that information recorded in the first user action item about the first user action is protected in the first user action history part (column 11, lines 59-66).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the protection flag taught by Del Sesto to the method disclosed by Ozer and Dedrick. The motivation would have been to allow only allow certain portions of the data to be protected, therefore allowing for more flexibility in the data handling.

Ozer, Dedrick and Del Sesto do not disclose a method wherein the user action type representing an operation of skip, replay or slow play.

In an analogous art, Kiewit teaches a method wherein the user action type representing an operation of skip, replay or slow play (column 4, lines 58-66; column 5, lines 63-66).

At the time of the invention it would have been obvious for one of ordinary skill in the art to additional consumption data taught by Kiewit to the method disclosed by Ozer, Dedrick and Del Sesto. The motivation would have been to enable more detailed information to be provided, which would make the information provide more useful.

Ozer, Dedrick, Del Sesto and Kiewit do not disclose a system wherein first and second lists of user action items for describing respective first and second aspects of the user's multimedia consumption, wherein each user action item has a respective program identifier; and

wherein the identifier enables access to content related metadata that is not provided in the user history.

In an analogous art, Grauch teaches a system wherein first and second lists of user action items for describing respective first and second aspects of the user's multimedia consumption, wherein each user action item has a respective program identifier (figure 7).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the multiple consumption types taught by Grauch to the data structure taught by Ozer. The motivation would have been to allow for more data to be collected and make the system able to create a more complete summary of the user's viewing habits.

Ozer, Dedrick, Del Sesto, Kiewit and Grauch do not disclose a method wherein the identifier enables access to content related metadata that is not provided in the user history.

In an analogous art, Bunney teaches a method wherein the identifier enables access to content related metadata that is not provided in the user history (column 4, lines 3-6).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the external content access taught by Bunney to the method disclosed by Ozer, Dedrick, Del Sesto, Kiewit and Grauch. The motivation would have been to enable access to the additional information stored on databases disclosed by Ozer.

Claims 21 and 24 are rejected on the same grounds as claim 15.

Referring to claim 18, Ozer, Dedrick, Del Sesto and Kiewit do not disclose a method for processing user history data as claimed in claim 15, wherein the second user action history part describes the aspect of the user's consumption type and includes data that represents a first consumption type indicating how the user consumed the first piece of multimedia content.

In an analogous art, Grauch teaches a method for processing user history data as claimed in claim 15, wherein the second user action history part describes the aspect of the user's consumption type and includes data that represents a first consumption type indicating how the user consumed the first piece of multimedia content (figure 7).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the multiple consumption types taught by Grauch to the data structure taught by Ozer. The motivation would have been to allow for more data to be collected and make the system able to create a more complete summary of the user's viewing habits.

Claim 22 is rejected on the same grounds as claims 15 and 18.

Referring to claim 19, Ozer, Dedrick and Del Sesto do not disclose a method for processing user history data as claimed in claim 18, wherein the first consumption type indicates a recording or a simple view of the first piece of multimedia content.

In an analogous art, Kiewit teaches a method for processing user history data as claimed in claim 18, wherein the first consumption type indicates a recording or a simple view of the first piece of multimedia content (column 4, lines 58-66; column 5, 63-66).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add additional consumption data taught by Kiewit to the method disclosed by Ozer, Dedrick and Del Sesto. The motivation would have been to enable more detailed information to be provided, which would make the information provide more useful.

Claim 23 is rejected on the same grounds as claim 19.

Referring to claim 20, Ozer discloses a method for processing user history data as claimed in claim 15, wherein the first user action history part describes the aspect of the user's consumption behavior and the user action type represents a consumption behavior for the first piece of multimedia content (figure 4; column 11, lines 33-39).

Referring to claim 31, Ozer does not disclose a method of claim 15, wherein recording the first user action item in the first user action history part includes storing the first user action item in a portable medium.

In an analogous art, Dedrick teaches a method of claim 15, wherein recording the first user action item in the first user action history part includes storing the first user action item in a portable medium (column 7, lines 37-43).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the portable medium taught by Dedrick to the method taught by Ozer. The motivation would have been to enable users without an internet connection to provide their usage history to the headend by mail.

Referring to claim 32, Ozer and Dedrick do not disclose a method of claim 15, wherein the first data protection attribute specifies whether all information in the first user action history part is protected.

In an analogous art, Del Sesto teaches a method of claim 15, wherein the first data protection attribute specifies whether all information in the first user action history part is protected (column 11, lines 59-66).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the protection flag taught by Del Sesto to the method disclosed by Ozer and Dedrick. The motivation would have been to allow only allow certain portions of the data to be protected, therefore allowing for more flexibility in the data handling.

Referring to claim 34, Ozer does not disclose a method of claim 15, wherein storing the hierarchical data structure includes storing the hierarchical data structure in a smart card.

In an analogous art, Dedrick teaches a method of claim 15, wherein storing the hierarchical data structure includes storing the hierarchical data structure in a smart card (column 7, lines 37-43).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the data protection smart card taught by Dedrick to the method disclosed by Ozer. The motivation would have been to enable more detailed information to be provided without having to worry about privacy issues due to the increased user information being shared.

Claim 35 is rejected on the same grounds as claim 34.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer, Dedrick, Del Sesto, Kiewit, Grauch, and Bunney as applied to claim 15 above, and further in view of CIDE Website.

Referring to claim 17, Ozer, Dedrick, Del Sesto, Kiewit, and Grauch do not disclose a method for processing user history data as claimed in claim 16, wherein the content reference identifier is a content reference ID (CRID) or a content ID forum (CIDE).

In an analogous art, the CIDE website teaches a method for processing user history data as claimed in claim 16, wherein the content reference identifier is a content reference ID (CRID) or a content ID forum (CIDE) (Mission of the forum).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the CIDE format to the data disclosed by Ozer, Dedrick, Del Sesto, Kiewit,

Art Unit: 2424

Grauch, and Bunney. The motivation would have been to enable the headend to easily track which user the data is coming from.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424

JS

Application/Control Number: 09/903,650
Art Unit: 2424

Page 14